

15TH GROUND

IVY JONES, Sworn for the State. Sine I was sworn on the trial of the case of the State vs. Leo M. Frank, I have not made an affidavit or signed a paper for anybody. I haven't made a statement to anybody changing in the least bit, the evidence that I gave on the trial. The evidence I gave on the trial is absolutely true.

Handwritten text: *I have not signed any paper or [illegible] anyone for [illegible] I*

swore on the trial of the case of the State vs. Leo M. Frank as follows: "That on Saturday, April 26, 1913, I saw Jim Conley at the corner of Forsyth and Hunter Sts. I met him there at a saloon. I was in there when Conley came in, and we went on up Forsyth St. to Mitchell, and out Mitchell St. to Mangum and from Mangum to W. Hunter and on down to Davis St. and we met some other fellows and we stopped and talked with them a few minutes, and I goes on home. I was going to the ball game. I met Jim Conley first at the corner of Forsyth and Hunter St. between 1 and 2 o'clock. I can't be more accurate than that because I didn't pay any more attention I know I got off after one o'clock from my work. Jim Conley wasn't drunk when I saw him. The place where I saw Jim Conley is on the corner right in the next block to the National Pencil Company's place of business, the opposite corner from the block where the pencil company's plant is located. The way Jim Conley and I went was towards Jim Conley's house. I don't exactly the time I left Jim at the corner of Hunter and Davis Sts, but it was somewhere I guess after 2 o'clock [sic]. I gave Jim a glass of beer, each one of us had some."

I have been knowing Jim Conley about three or four years. I have been shown on this Tuesday, April 28, 1914, in the office of Hugh M. Dorsey, Solicitor General, an affidavit which purports to have been sworn to by me on the 6th day of February, 1914, before C. W. Burke, a Notary Public, for Fulton County, Georgia. The signature as attached to this paper is a forgery. Some parts of said affidavit however, are true, and some parts are false. The affidavit is false when it says that I was not joined on the way by anyone and is false when it says that I did not meet anyone I knew until I reached Davis St. The truth as to what really occurred was told by me on the stand. I do not know C. W. Burke. Sometime about the first of the year, two men come to see me up there at my work, and they asked me did I see a fellow get hurt in the Central Railroad. They told me it was a fellow by the name of George Brown and I told them I did not know anything about George Brown or any other fellow getting hurt at the Central Railroad. They said for me to sign a paper they had which would

release me from coming to court. The paper which I signed had big letters at the top, like a grocery store heading and it wasn't a long piece of paper like the affidavit which I have just seen and read which C. W. Burke claims I signed. I signed that paper with a pencil. I have just gone downstairs to the sidewalk and standing in front of the Al Bronx Saloon I saw the little fellow who got me to sign this paper. Mr. Starnes accompanied me down there and he told me the man I saw down there was Jimmie Wrenn.

EUGENE PERRY ("BUDDY BROOKS") Sworn for the State. I have known Ivy Jones for about six years. I have also known Jim Conley ever since he was a baby. On April 26, 1913, I left my place of business between 12:30 and 1 o'clock. After going home I started back to town to go to the ball game. I met Ivy Jones and Jim Conley at the corner of Hunter and Haynes Streets at 2:15 p.m. and had a conversation with them. I told them I was going to the ball game. Ivy Jones said "Well wait for me over on Peters St. and I'll go with you. Then I left them. I didn't go by way of Peters Street then but went over to the house of Major Caldwell on Nelson Street and went with him to the ball game. I didn't see Ivy Jones or Jim Conley any more that day. About three weeks ago a rather small, young, clean-shaven fellow came to see me twice. The first time he came he said he wanted to ask me about a railroad accident. I said I didn't know anything about any railroad accident. He said he wanted to find out who I met that day, on April 26, 1913. I told him I met Ivy Jones and Jim Conley. I told him how I had met Jones and Conley on Hunter Street that day and that was the only time I saw them. A little over a week after that, the same young fellow who had talked to me before came again. He handed me a paper. The paper said that me and Caldwell went out to the baseball game on April 26, 1913. It said that I met Ivy Jones on the corner of Hunter and Haynes Streets along about 3 o'clock, and I said "No, it was 2:15 o'clock. You ain't got Jim Conley's name there and I told you I met both of them, Conley and Jones." He took a pencil and put Jim Conley's name on the paper and he put 2:15 instead of 3 o'clock. He handed me the paper and a pencil and said to sign it. He said he was going to have me subpoenaed to the Superior Court if I didn't sign it and I said I didn't care for I didn't want to sign it. I never signed any paper for him at all.

JAMES H. WAITS, Sworn for the State. On or about May 31, 1913, I was with my wife, Mrs. Hattie Waits, on a train returning from Savannah where we had been attending the Odd Fellows Convention. Somewhere near Jessup, Ga. I purchased a newspaper carrying the confession of James Conley, in which he stated that he met Leo M. Frank at the corner of S. Forsyth and Nelson Sts. on April 28, 1913. My wife immediately stated that she must have been Frank and Conley at this place. In some way the detectives learned what Mrs. Waits knew and called to see us.

MRS. HATTIE WAITS, Sworn for the State. My husband & I were living at No. 28 Markham Street in the city of Atlanta, on April 26, 1913. On Saturday morning, April 26, 1913, I wanted to go to town to get my niece, who lives with me, some slippers. I always go to town across the Nelson St. bridge. As I reached Nelson and Forsyth Sts. I saw a negro and a white man standing on this corner talking together. The negro had his face turned towards me. The white man at first had his back to me, and I thought at first the white man was a gentleman I knew. As I got even with them the white man stepped back and I turned and looked at him and saw that he was not the gentlemen that I thought he was.

Handwritten text: *I said that it was a Jew and I said to myself "that accounts for [illegible] being [illegible] to the negro, he is a Jew."*

I recognized this white man as one whom I had seen several times prior to this date. I have seen him several times on Forsyth St. I have since seen the negro and this negro was Jim Conley. I have seen a number of pictures of Leo M. Frank and Leo M. Frank is the same person I saw talking to Jim Conley. To the best of my knowledge it was between 10 and 11 o'clock. I saw Mr. Frank at the trial and recognized him as the man I saw standing on the corner talking to the negro. I was unwilling to make this affidavit until I first went in person and looked at Conley himself. We went to the county jail today and saw Conley and I found that he was the negro that I saw talking to Mr. Frank, between 10 and 11 o'clock on April 26, 1913 on the Northwest corner of South Forsyth St.

S. L. MORRIS, Sworn for the State. I am personally acquainted with Mrs. J. M. Waits. I have known her well for a short period. I am acquainted with her general character and reputation. It is good.

O. H. PUCKETT, Sworn for the State. I am personally acquainted with Mrs. J. M. Waits. I have known her for ten years. I am acquainted with her general character and reputation. It is good. I would believe her on oath.